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FACSIMILE TRANSMISSION

CONFIDENTIAL

DATE: February 7, 2006

CLIENT-MATTER NO.: 23540-07445

To:

NAME	FAX NO.	PHONE NO.
Examiner Marjorie Moran Group Art No. 1631 US Patent And Trademark Office	571-273-8300	

FROM: Susan T. Hubl PHONE: (415) 875-2316

SENT BY: Tiffany Bell PHONE: (415) 875-2445

RE: U.S. Patent Appl. No. 09/955,663

NUMBER OF PAGES WITH COVER PAGE: 16	ORIGINAL WILL NOT FOLLOW
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MESSAGE:

Response with 1 month Extension of Time

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23540/01000/SF/5161340.1

PTO/SB/21 (modified)

Approved for use through 10/09/03, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office		Application Number	09/955,663
			Filing Date	September 19, 2001
			First Named Inventor	David M. Rocke
			Group Art Unit Number	1631
			Examiner Name	MARJORIE MORAN
Total Number of Pages in This Submission	15		Attorney Docket Number	23540-07445 (UC Ref 2001-072-2)

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ENCLOSURES (check all that apply)	
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<input type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of _____ Cited References	<input type="checkbox"/>
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<input checked="" type="checkbox"/> Response w/1 Mo. Extension: [12] Page(s) <input type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>

REMARKS:

SIGNATURE OF ATTORNEY OR AGENT	
Signature:	<i>Susan T. Hubl</i>
Attorney/Reg. No.:	Susan T. Hubl, Ph.D., Reg. No. 47,668
Dated:	February 7, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted via facsimile on the date shown below to: Mail Stop Amendment, Commissioner for Patents, at the facsimile number of (571) 273-8300.	
Signature:	<i>Susan T. Hubl</i>
Typed or Printed Name:	Susan T. Hubl, Ph.D.
Dated:	February 7, 2006
Express Mail Mailing Number (optional):	

23540/07445/SF/5161329.1

FEET TRANSMITTAL for FY 2005		<i>Complete if Known</i>																																																																																																																																					
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ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>Fee Code (\$)</td><td>Fee Code (\$)</td><td>Fee Description</td><td>Fee Paid</td></tr> <tr><td>1051</td><td>130</td><td>Surcharge - late filing fee or oath or declaration</td><td></td></tr> <tr><td>1052</td><td>50</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>Extension for reply within first month</td><td>60</td></tr> <tr><td>1252</td><td>450</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1020</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1000</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>500</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>1100</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>—</td><td>Petitions to the Director</td><td></td></tr> <tr><td>1807</td><td>50</td><td>Processing fee for Provisional Applications</td><td></td></tr> <tr><td>1805</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>790</td><td>Filing a submission after final rejection (37 CFR 1.129(s))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>790</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="2">SUBTOTAL (1) (\$0)</td><td colspan="2">SUBTOTAL (3) \$ 60.00</td></tr> <tr> <td colspan="4"> Total Claims $11 - 20 = 0$ x Fee from below = 0 Independent Claims $1 - 3 = 0$ x Fee from below = 0 Multiple Dependent: _____ Large Entity Small Entity Fee Fee Fee Fee Code (\$) Code (\$) Code (\$) Code (\$) 1202 50 2202 25 Claims in excess of 20 1201 200 2201 100 Independent claims in excess of 3 1203 360 2203 180 Multiple dependent claim, if not paid 1204 200 2204 100 **Reissue independent claims over original patent 1205 50 2205 25 **Reissue claims in excess of 20 and over original patent SUBTOTAL (2) (\$0) </td> </tr> <tr> <td colspan="4"> *or number previously paid, if greater; 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SUBMITTED BY		<i>Complete (if applicable)</i>		
Name (Print/Type)	Susan T. Hubl, Ph.D.	Registration No. (Attorney/Agent)	47,668	Telephone: (510) 875-2316
Signature	<i>Susan T. Hubl</i>		Date	February 7, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 07 2006

APPLICANT(S):	David M. Rocke
APPLICATION NO.:	09/955,663
FILING DATE:	September 19, 2001
TITLE:	Method for Determining Measurement Error for Nucleic Acid Microarrays
EXAMINER:	Marjorie Moran
GROUP ART UNIT:	1631
ATTY. DKT. NO.:	23540-07445US (UC Ref 2001-072-2)
CERTIFICATE OF TRANSMISSION	
<p>I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to the attention of: Examiner MARJORIE MORAN at facsimile number 571-273-8300.</p>	
2/7/06	mmmm 7th mld
Date	Susan T. Hubl, Ph.D., Reg. No.: 47,668

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE

SIR:

In Response to the non-final Office Action mailed 10/07/05 Applicant respectfully requests reconsideration of the claims in the above-identified application in view of the following amendments and remarks for the purpose of putting the application in condition for allowance. Included with this Response is a Request for Extension of Time for 1 month(s) and the appropriate fee. This Response therefore is timely filed.

Applicant notes that the Attorney Docket No. for this case has changed. The correct Attorney Docket No. is 23540-7445US.

Amendments to the Claims begin on page 2. Remarks begin on page 5.

02/08/2006 TL0111 00000046 192555 09955663
01 FC:2251 60.00 DA